

## REMARKS

Claims 27 and 29-46 are currently pending in the application. Claims 27, 35, and 41 have been amended herein. No claims have been added or canceled. Accordingly, claims 27 and 29-46 will be pending following the entry of this paper. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and following remarks.

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Claims 27 and 35 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 27, 35, and 41 have been amended to recite the reporting of information related to one phase is overlapping with reporting of information related to another phase, which accords with the Examiner's interpretation as noted at page 2 of the Final Office Action. Accordingly, it is submitted that this rejection has been overcome.

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Claims 27, 29-33, 35, 38-41, and 44-46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,628,009 to Chapel (hereinafter referred to as "Chapel") in view of European Patent EP324376 to Kobel (hereinafter referred to as "Kobel"). The rejection is respectfully traversed.

### **Claim 27**

Independent claim 27 is directed to a method of distributing polyphase alternating current power and comprises a combination of elements, including, for example: "with at least one of the plurality of separate power information visual display sections disposed in the power distribution apparatus, reporting at the power distribution apparatus power information regarding the first power phase distributed by the at least a first of the plurality of polyphase power outputs" and "with at least a second of the plurality of separate power information visual display sections disposed in the power distribution apparatus, reporting at the power distribution apparatus power information regarding the second power phase distributed by the at least a second of the plurality

of polyphase power outputs, the reporting power information regarding the second power phase overlapping with reporting power information regarding the first power phase."

It is respectfully submitted that Chapel is devoid of any teaching or suggestion of any type of power information visual display sections, let alone the type claimed or within the environment of the power information visual display sections disposed in the power distribution apparatus adjacent to the plurality of polyphase power outputs, as claimed. Kobel is directed to an excess current release system, in which operating currents of various phases are measured and displayed. In the event that an overcurrent fault occurs, the stored fault currents of the individual phases are displayed. However, while Kobel discloses display of currents for phases, Kobel is devoid of any disclosure related to visual display sections disposed in a power distribution apparatus, as claimed.

It is respectfully submitted that Kobel in combination with Chapel does not render the claimed method obvious. In fact, it is submitted that Chapel actually *teaches away* from visual display of power information. As illustrated in Fig. 1, and described at column 4, line 56 through column 5, line 19, the rack of Chapel includes electrical outlets on each side of an equipment bay. Each piece of equipment installed a bay will have one redundant power supply plugged into a receptacle on one side of the bay, and will have the other redundant power supply plugged into a receptacle on the other side of the bay. The outlets on different sides of each bay are interconnected with different phases of a power source, and as the rack is fully populated with equipment, each phase of the power source will be loaded in a balanced fashion, and "no more than four loads in one rack will be connected to any one phase supplied by the same source." Col. 5, lines 14-15. Thus, by configuring a rack in such a fashion, and loading the rack as taught by Chapel, there is no need to monitor any information related to any particular phase. This is supported by the fact that Chapel is devoid of any discussion related to visual displays related to power information. Therefore, this reference actually teaches away from a combination is suggested by the Examiner. As discussed in MPEP § 2145, it is improper to combine references where the references teach away from their combination, citing *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Accordingly, it is submitted that Chapel and Kobel are not properly combinable. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

In addition, the applicants note that Kobel was first published on July 19, 1989 – more than a decade before the applicants' priority date of October 30, 2003. The applicants submit that such a sizeable timeframe, particularly given the rapid pace of technological development in the past twenty years, provides yet further evidence of nonobviousness of the applicants' claimed invention to those skilled in the art. Had it been so obvious to somehow combine the cited references, including by making the requisite substantial modifications in them, to yield the claimed subject matter, then why is it that nobody has done so in the more than fourteen years since Kobel has been publicly available? The applicants thus respectfully submit that the Office Action's asserted combination would not only yield less than the claimed subject matter as a whole but also is the result of the improper application of hindsight in assessing that subject matter. *Ecolchem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1372, 56 USPQ.2d 1065, 1073 (Fed. Cir. 2000). Moreover, was such an analysis proper, the applicants submit that every advantageous invention would be unpatentable.

In sum, claim 27 is allowable because the combination of Chapel and Kobel do not render the claim obvious. Accordingly, the applicants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn from independent claim 27 and such action is respectfully requested.

Each of claims 29-33 is a dependent claims that depends either directly or indirectly from independent claim 27. Consequently, each of these dependent claims is at least allowable for the reasons noted with respect claim 27 from which it depends. However, each of these dependent claims may be allowable for additional reasons, and the applicant reserves the right to assert any such reason in the future.

### **Claim 35**

Independent claim 35 is directed to a method of polyphase power distribution through a three-phase delta power distribution and monitoring apparatus, and comprises a combination of elements, including, for example: "with the plurality of separate visual displays, reporting at the three-phase delta power distribution and monitoring apparatus the analog signals each representing the magnitude of the phase power flowing through the corresponding power supply,

the reporting of one of the plurality of separate visual displays overlapping with reporting of at least one other of the plurality of separate visual displays."

It is submitted that the combination of Chapel and Kobel, similarly as discussed above, does not render claim 35 obvious. As discussed above, Chapel is devoid of any teaching or suggestion of any type of power information visual display sections, let alone the type claimed or within the environment of the power information visual display sections disposed in the power distribution apparatus adjacent to the plurality of polyphase power outputs, as claimed. In fact, as also discussed above, Chapel actually *teaches away* from visual display of power information. Kobel is directed to an excess current release system, in which operating currents of various phases are measured and displayed. In the event that an overcurrent fault occurs, the stored fault currents of the individual phases are displayed. However, while Kobel discloses display of currents for phases, Kobel is devoid of any disclosure related to visual display sections disposed in a power distribution apparatus adjacent to the plurality of polyphase power outputs, as claimed. Accordingly, it is submitted that Chapel and Kobel are not properly combinable. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

In addition, similarly as discussed above, Kobel was first published on July 19, 1989 – more than a decade before the applicants' priority date of October 30, 2003. The applicants submit that such a sizeable timeframe, particularly given the rapid pace of technological development in the past twenty years, provides yet further evidence of nonobviousness of the applicants' claimed invention to those skilled in the art.

In sum, claim 35 is allowable because the combination of Chapel and Kobel do not render the claim obvious. Accordingly, the applicants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn from independent claim 35 and such action is respectfully requested.

Each of claims 38-40 is a dependent claims that depends either directly or indirectly from independent claim 35. Consequently, each of these dependent claims is at least allowable for the reasons noted with respect claim 35 from which it depends. However, each of these dependent claims may be allowable for additional reasons, and the applicant reserves the right to assert any such reason in the future.

#### Claim 41

Independent claim 41 is directed to a method of polyphase power distribution through a three-phase wye power distribution and monitoring apparatus, and comprises a combination of elements, including, for example: "with the plurality of separate digital visual display modules, reporting at the three-phase wye power distribution and monitoring apparatus the neutral line analog signal and each of the input line analog signals, the reporting of one of the plurality of separate digital visual display modules overlapping with reporting of at least one other of the plurality of separate digital visual display modules."

It is submitted that the combination of Chapel and Kobel, similarly as discussed above, does not render claim 41 obvious. As discussed above, Chapel is devoid of any teaching or suggestion of any type of power information visual display sections, let alone the type claimed or within the environment of the power information visual display sections disposed in the power distribution apparatus adjacent to the plurality of polyphase power outputs, as claimed. In fact, as also discussed above, Chapel actually *teaches away* from visual display of power information. Kobel is directed to an excess current release system, in which operating currents of various phases are measured and displayed. In the event that an overcurrent fault occurs, the stored fault currents of the individual phases are displayed. However, while Kobel discloses display of currents for phases, Kobel is devoid of any disclosure related to visual display sections disposed in a power distribution apparatus adjacent to the plurality of polyphase power outputs, as claimed. Accordingly, it is submitted that Chapel and Kobel are not properly combinable. The asserted combination therefore could not render the claimed subject matter obvious as a matter of law under Section 103.

In addition, similarly as discussed above, Kobel was first published on July 19, 1989 – more than a decade before the applicants' priority date of October 30, 2003. The applicants submit that such a sizeable timeframe, particularly given the rapid pace of technological development in the past twenty years, provides yet further evidence of nonobviousness of the applicants' claimed invention to those skilled in the art.

In sum, claim 41 is allowable because the combination of Chapel and Kobel do not render the claim obvious. Accordingly, the applicants respectfully submit that the 35 U.S.C. §

103(a) rejection should be withdrawn from independent claim 35 and such action is respectfully requested.

Each of claims 44-46 is a dependent claims that depends either directly or indirectly from claim 41. Consequently, each of these dependent claims is at least allowable for the reasons noted with respect to claim 41 from which it depends. However, each of these dependent claims may be allowable for additional reasons, and the applicant reserves the right to assert any such reason in the future.

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Claims 34, 36, 37, 42, and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chapel in view of Kobel, and further in view of U.S. Patent no. 4,528,497 to Arato (hereinafter referred to as "Arato"). The rejection is respectfully traversed.

Claims 34, 36, 37, 42, and 43 depend (directly or indirectly) from independent claims described above. Furthermore, Arato does not overcome the deficiencies described above with respect to Chapel and Kobel. It is submitted that these claims are allowable for at least the reasons as described above with respect to the respective independent claims. However, each of these dependent claims may be allowable for additional reasons, and the applicant reserves the right to assert any such reason in the future.

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No claim related fees are believed to be due with this response. In the event any such fees are due, please debit Deposit Account 08-2623.

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In the event that a petition for extension of time under 37 CFR §1.136(a) is required to have this reply considered and such a petition does not otherwise accompany this reply, please consider this a petition for an extension of time for the required number of months and authorization to debit Deposit Account 08-2623 for the required fee.

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The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested. If a telephone conversation will further the

prosecution and/or expedite allowance, the examiner is invited to contact the undersigned attorney.

Respectfully submitted,

HOLLAND & HART LLP

By: 

Kenneth C. Winterton  
Registration No. 48,040  
P.O. Box 8749  
Denver, Colorado 80201-8749  
(303) 473-2700, x2717

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